

Municipal Franchise (Ireland) (No. 2) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title of Act.
2. Interpretation.
3. Repeal of existing franchise.
4. New qualification for franchise.
5. Exclusion from franchise.
6. Saving rights under existing burgess rolls.
7. Provision as to premises acquired by descent, &c.
8. Provision as to joint occupiers.
9. No burgess to be enrolled who is not qualified under this Act.
10. Name of occupier to be entered in rate book.
11. Owner or immediate lessor to supply list of occupiers.
12. Occupier, though not primarily liable, may pay taxes.
13. Occupier to receive notice of non-payment of taxes.
14. Town clerk to publish notice requiring payment of taxes.
15. Error or omission in rating not to affect qualification.
16. List of burgesses to be made out and revised with regard to this Act.
17. Definition of terms "house, &c."
18. Words which import the masculine gender to include females.
19. Extent of Act.

SCHEDULE.

A

B I L L

TO

Assimilate the Municipal and Parliamentary Franchise in Ireland. A.D. 1866.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Municipal Franchise Amendment (Ireland) Act, 1866. Short title of Act.

2. In this Act the word "borough" shall mean any borough named in the schedule (A.) to the Act of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight (herein-after referred to as "the said Act"), or any town or borough to which, pursuant to the fourteenth section of the said Act, a charter of incorporation has been or shall be granted; and the word "mayor" as to the city of Dublin shall mean "Lord Mayor." The said Act and the Acts amending it are herein-after referred to as "the said Acts." Interpretation.

3. From and after the passing of this Act, so much of each and all of the said Acts as relates to the qualifications necessary to entitle any person to be, and to be enrolled as, a burgess in any borough shall be and the same is hereby repealed. In lieu of the qualification prescribed by the said Acts, the qualification in this Act herein-after prescribed shall be deemed to be substituted. Repeal of existing franchise.

4. From and after the passing of this Act, every person of full age who on the twentieth day of July in any year is, and during the whole of the preceding twelve calendar months has been, an occupier as owner or tenant of any house, warehouse, counting-house, shop, or other building within any borough, and shall also during the said period of twelve calendar months have resided within such borough, or within seven statute miles of same, shall New qualification for franchise.

[Bill 75.]

A

A.D. 1886.

be entitled to be enrolled in that year in the burgess roll for such borough according to the provisions of the said Acts, and, when so enrolled, shall be a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough: Provided that no such person shall be so enrolled in any 5 year, unless he shall have been rated in respect of such premises so occupied by him within the borough under the Acts for the relief of the destitute poor in Ireland during the time of his occupation as aforesaid; and unless, on or before the *first day of July* in such year, all taxes which become payable in respect of said premises 10 previously to the preceding first day of January, and the payment of which would be necessary by law to entitle him to be enrolled in the burgess roll if this Act had not been passed, have been paid.

The premises in respect of the occupation of which any person shall have been so rated need not be the same premises, or in the 15 same parish or union, but may be different premises in the same parish or union, or in different parishes or unions.

The said distance of seven statute miles shall be computed by the nearest public road or way, by land or water.

Exclusions
from fran-
chise.

5. No person being an alien shall under the provisions of this Act 20 be enrolled as a burgess in any year; and no person shall be so enrolled in any year who within twelve calendar months next before the said twentieth day of July shall have received relief, other than medical relief, under the Acts for the relief of the destitute poor in Ireland. 25

Saving
rights under
existing
burgess rolls.

6. Nothing in this Act contained shall affect any existing burgess roll, and every such roll shall continue in full force and effect in all respects as if this Act had not been passed.

Provision
as to pre-
mises oc-
cupied by
descent, &c

7. In case any such house, warehouse, counting-house, shop, or other building, as aforesaid, in any borough, shall come to any 30 person by descent, marriage, marriage-settlement, devise, bequest, or promotion to any benefice or office, such person shall be entitled to reckon the occupancy, and rating in respect of the occupancy thereof, by the person from or by whom any such premises as aforesaid shall have so come to him, as his own occupancy and 35 rating, conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled and be a burgess in respect of such successive occupancy and rating, provided he shall be otherwise qualified as herein provided. 40

8. A person occupying any such premises as aforesaid, jointly with any other person or persons, shall be deemed an occupier of such premises within the meaning of the fourth section of this Act.

A.D. 1886.

Provision as to joint occupiers.

9. *From and after the passing of this Act*, no person shall be enrolled in the burgess roll of any borough for the purpose of enjoying the rights for the first time conferred by the said Acts or this Act, in respect of any title other than by residence, occupancy, rating and payment of taxes within such borough according to the meaning and provisions of this Act.

No burgess to be enrolled who is not qualified under this Act.

10. Where in the case of any such premises as aforesaid the immediate lessor or owner of same is primarily liable to pay the poor rates payable out of such premises, the name of the occupier shall, notwithstanding, be inserted in the rate book and the guardians of the poor, or the collector-general of rates as the case may be, or any other person or persons making out any such poor rate, shall enter in the occupier's column of the rate book the name of the occupier of any such premises, who shall thereupon, so far as regards qualification for any franchise conferred by this or any other Act, be deemed to be rated in respect of same. If any clerk of union, collector-general, or other person negligently or wilfully, and without reasonable cause, omits the name of the occupier of any such premises from the rate book, or negligently or wilfully misstates any name therein, such person shall for every such omission or mis-statement be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction such person resides, at suit of the occupier of the premises in relation to which such omission or mis-statement shall have taken place: Provided that any occupier whose name shall be so admitted or mis-stated shall, notwithstanding such omission or mis-statement, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon his occupation of, or upon his being rated in respect of, any such premises, in the same manner as if his name had not been so omitted or mis-stated.

Name of occupier to be entered in rate book.

11. Notwithstanding anything contained in the sixty-third section of the Act of the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-one, this section shall apply to any such premises as aforesaid, situate within the city of Dublin, whatever the nature of the tenancy under which the occupier holds such premises.

11. Every immediate lessor or owner who is primarily liable to pay the poor rates payable out of any such premises as aforesaid

Owner or immediate lessor to supply list of occupiers.

[75.]

A 2

A.D. 1888.

shall deliver to the poor-rate collector, or collector-general, as the case may be, from time to time when required by him, a list in writing, containing the names of the occupier or occupiers of such premises; and, if any such immediate lessor or owner wilfully or negligently omits to deliver such list when required to do so, or 5 wilfully or negligently omits therefrom or mis-states therein the name of any occupier, he shall for every such omission or mis-statement be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction he resides, at suit of the occupier whose 10 name has been so omitted or mis-stated.

Occupier,
though not
primarily
liable, may
pay taxes.

12. Where the immediate lessor or owner of any such premises as aforesaid is primarily liable to pay the taxes payable out of same, and the payment of which is necessary by law to entitle the occupier of such premises to be enrolled in the burgess roll, and 15 such immediate lessor or owner omits or neglects to pay any such taxes within *four months* after the making thereof, the occupier of said premises may, at any time after the expiration of such period of four months, pay so much of said taxes as may be necessary to qualify him to be enrolled in the burgess roll, and to be a burgess 20 pursuant to the fourth section of this Act; and every such-occupier so paying such taxes may deduct from the rent which he may then or next thereafter be liable to pay in respect of said premises the whole of any taxes so paid by him; and if rent to the amount of such taxes be not then or do not thereafter become due from 25 such occupier, he shall be entitled to recover such proportion of the said taxes as he has thus been unable to deduct from his rent from the said immediate lessor or owner by civil bill. Nothing contained in this section shall prejudice or affect any right or liability of any such occupier as aforesaid under any Acts relating to the 30 assessment, levying, or collection of any such taxes.

Occupier
to receive
notice of
non-payment
of taxes.

13.—(1.) Where any taxes due in respect of any such premises as aforesaid, previously to the first day of January in any year, and the payment of which is necessary by law to entitle the occupier of such premises to be enrolled in the burgess roll, remain unpaid on 35 the *first day of May* following, the guardians of the poor in boroughs other than in Dublin, and in Dublin the collector-general of rates, shall, on or before the *twentieth of the same month of May*, unless such taxes have previously been paid, give or cause to be given a notice in the form (Number 1) set forth in the Schedule to this Act, 40 or to the like effect, to the occupier of such premises. The notice shall be deemed to be duly given if delivered to the occupier or left

at his last or usual place of abode, or with some person on the premises in respect of which the taxes are payable, and in case no such person can be found, such notice shall be deemed to have been duly given if affixed upon some conspicuous part of the said premises. Any person who shall negligently or wilfully withhold any such notice shall for every such offence be liable to a penalty not exceeding *two pounds*, to be recovered by civil bill before the county court judge or recorder within whose jurisdiction such person resides by the occupier of the premises in question.

- 10 (2.) Where any such premises as aforesaid, situate within any borough within the meaning of this Act, are also situate within any city, town, or Parliamentary borough entitled to return a member or members to serve in Parliament, and such premises are capable of conferring the parliamentary franchise for such city, town, or borough, the notice to the occupier of such premises herein-before in this section referred to shall be in the form (Number 2) set forth in the schedule to this Act, or to the like effect.

- 15 (3.) This section shall apply to any such premises as aforesaid, notwithstanding that the immediate lessor or owner thereof is primarily liable to pay the taxes herein-before in this section mentioned payable out of same.

- 14.—(1.) The town clerk of every borough shall, on or before the *fifth day of June* in every year, publish a notice in printing or writing, according to the form (Number 3) in the schedule to this Act annexed, or to the like effect, stating that no person will be entitled to have his name inserted in any list of burgesses for such borough then next to be made in respect of the occupation of any such premises, as aforesaid, situate within such borough, unless on or before the first day of July then next ensuing all taxes which shall have become payable in respect of said premises previously to the preceding first day of January, and the payment of which is necessary by law to entitle him to be enrolled in the burgess roll, shall have been paid; and such notice shall accurately set forth what such taxes are.

Town clerk to publish notice requiring payment of taxes.

- 35 (2.) Where the whole or part of the area of a borough within the meaning of this Act is co-extensive with or included in the area of any city, town, or Parliamentary borough entitled to return a member or members to serve in Parliament, the notice herein-before in this section referred to shall be in the form (Number 4) set forth in the schedule to this Act, or to the like effect, and in the case of such borough shall be deemed to be in lieu of the notice referred to in the thirtieth section of the Act of the thirteenth

A.D. 1886.

and fourteenth years of the reign of Her present Majesty, chapter sixty-nine.

(3.) A notice by this section required to be published shall be so published by being affixed and kept in some public and conspicuous situation, near the outside of the outer door of each and all the 5 buildings herein-after mentioned, that is to say, every town-hall, every post office and telegraph office occupied by or on behalf of Her Majesty's Postmaster-General, every church, chapel, and other place of public worship, and every public or municipal office, such building (in the case of the notice herein-before in this section first 10 mentioned [form Number 3]) being within the municipal borough, or (in the case of the notice herein-before in this section secondly mentioned [form Number 4]) being within either the municipal borough or the parliamentary borough.

Error or omission in rating not to affect qualification.

15. Where any person shall have been an occupier of any such 15 premises as aforesaid during the period in the fourth section of this Act prescribed, and such person, being the person liable to be rated for such premises, shall have bona fide paid, on or before the first day of July in such year, all poor rates which became payable in respect of said premises previously to the preceding first day of 20 January, such person shall, as and from the time when his occupation of such premises commenced, be deemed to be and to have been rated to the relief of the poor in respect of such premises within the meaning of the fourth section of this Act, and shall be entitled, if otherwise qualified, to be enrolled in the burgess roll, 25 and, when so enrolled, to be a burgess of the said borough in respect of such premises in any year, any error, omission, misnomer, misdescription, or insufficient description in any rate of the person so occupying, or of the premises so occupied, notwithstanding.

Lists of burgesses to be made out and revised with regard to this Act.

16. Except as relates to the qualification of burgesses, or as 30 otherwise expressly provided, this Act shall not in any manner affect the making out of the lists of burgesses for any borough now required by law to be made out preparatory to the revision of the burgess roll of such borough, or the enrolment of burgesses for such borough, or the revision of any such lists, or the preparation of the 35 burgess roll, and all the provisions of any statute relating to such lists or roll, and the preparation and revision of same, or otherwise, to the enrolment of burgesses for any borough, shall, except as expressly modified by this Act, and except as regards the qualification of burgesses, continue in full force and effect as if this Act 40 had not been passed, and shall apply with the necessary modifications to any person hereby authorised to be enrolled as and be a

A.D. 1866

hurgess, and to the extended borough franchise hereby conferred. Such of the provisions of the said Acts as relate to or affect the borough franchise in existence prior to the date of the passing of this Act, or the enrolment of hurgesses on whom such franchise is conferred, shall, with the necessary modifications, extend and apply to the franchise conferred by the fourth section of this Act, and shall be read and construed as if in terms made applicable to same. All persons making out or revising any such lists, or preparing any hurgess roll, or doing any act in relation to the same, shall have and they are hereby required to have regard to the provisions of this Act as regards the qualification of hurgesses and otherwise, as if such qualification had been prescribed in the Acts under which such lists are made out.

17. For the purposes of the said Acts and this Act, the terms "house, warehouse, counting-house, shop, or other building" shall include any part of a house where that part is separately occupied for the purpose of any trade, business, or profession, and any such part may, for the purpose of describing the qualification, be described as "office," "chambers," "studio," or by any like term applicable to the case.

Definition
of terms
"house," &c

Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

18. In this Act and the said Acts, wherever words occur which import the masculine gender, the same shall nevertheless be held to include females for all purposes connected with and having reference to the right to vote in the election of councillors, aldermen, auditors, and assessors.

Words which
import the
masculine
gender to
include
females.

19. This Act shall not apply to England or Scotland.

Extent of
Act.

A.D. 1886.

SCHEDULE.

FORM No. 1.

Notice to Occupier that taxes are unpaid.

To A. B.,

Municipal Borough of

5

Take notice that you will not be entitled to have your name inserted in the burgess lists for the Municipal Borough of , now about to be made out, in respect of the premises in your occupation in [street or place], unless on or before the first day of July next the taxes under-mentioned, due from you in 10 respect of said premises previously to the first day of January last, amounting to £ , are paid, and in case such payment is not made as aforesaid you will be incapable of being on the next burgess roll for the said municipal borough. [Here set forth accurately the taxes required to be paid to entitle the occupier to 15 be enrolled in the burgess roll.]

Dated the day of May 18 .

(Signed) C. D. [Clerk, Collector of Poor Rates, or Collector General, or other person having authority to give the notice.] 20

FORM No. 2.

Notice that Taxes are unpaid to Occupier of Premises in Parliamentary Borough.

To A. B.,

Parliamentary Borough of

25

Municipal Borough of

Take notice that you will not be entitled to have your name inserted in the List of Parliamentary voters for the Parliamentary borough of , now about to be made out, in respect of the premises in your occupation in [street or place], unless on or before 30 the first day of July next all poor rates not more than two years due, and which became payable out of said premises during your actual occupation of same previously to the first day of January last, are paid. The amount of said poor rates is £ , and in case such payment is not made as aforesaid you will be 35

A.D. 1886.

FORM No. 4.

Notice to be published by the Town Clerk in a Parliamentary and Municipal Borough.

Parliamentary borough { I hereby give notice that no person will be
of { entitled to have his name inserted in any list 5
to wit. { of Parliamentary voters for the Parliamentary
borough of { , now about to be made, in respect of the
occupation of any property situate wholly or partly within such
borough, unless on or before the first day of July next all the poor
rates, not more than two years due, which have become payable in 10
respect of those premises previously to the first day of January
last past, shall have been paid; and in case such payments are not
made as aforesaid such persons will be incapable of being upon the
next register of Parliamentary voters for this borough in respect of
those premises. 15

Municipal borough { And I hereby give further notice that no person
of { will be entitled to have his name inserted in any
to wit. { list of burgesses of the municipal borough of
now about to be made in respect of the occupation
of any property situate within such borough, unless on or before 20
the first day of July next all the taxes herein-after mentioned, which
have become payable in respect of those premises previously to the
first day of January last past, shall have been paid, and in case such
payments are not made as aforesaid such persons will be incapable
of being upon the next burgess roll for this borough in respect of 25
those premises.

Dated this day of , 18 .

(Signed) A. B., Town Clerk of said Borough.

The taxes required to be paid to entitle the occupier of any
premises to be enrolled in the burgess roll are [*poor rates, borough 30*
rate, or otherwise as the case may be.]

